

**TIGARD CITY COUNCIL  
MEETING**  
**January 17, 2006 6:30 p.m.**  
**TIGARD CITY HALL**  
**13125 SW HALL BOULEVARD**  
**TIGARD, OREGON**



**PUBLIC NOTICE:**

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated.

Upon request, the City will endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

**SEE ATTACHED AGENDA**

A G E N D A  
TIGARD CITY COUNCIL MEETING  
JANUARY 17, 2006

6:30 PM

1. WORKSHOP MEETING
  - 1.1 Call to Order – Tigard City Council
  - 1.2 Roll Call
  - 1.3 Pledge of Allegiance
  - 1.4 Council Communications & Liaison Reports
  - 1.5 Call to Council and Staff for Non-Agenda Items
  
2. CONDUCT JOINT MEETING WITH TIGARD BUDGET COMMITTEE
  - Staff Report: Finance Department
  
3. DISCUSS COMMUTER RAIL STATION ENHANCEMENTS
  - Staff Report: Community Development Department
  
4. DISCUSS ANNEXATION POLICY
  - Staff Report: Community Development Department
  
5. DISCUSS MAYOR AND COUNCIL BUDGET
  - Staff Report: Administration Department
  
6. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
  
7. ADJOURNMENT

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CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Joint Meeting with Tigard Budget Committee

PREPARED BY: Tom Imdieke DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Quarterly informational meeting with the Budget Committee. No action required.

STAFF RECOMMENDATION

Receive and discuss information. No action required.

INFORMATION SUMMARY

The Budget Committee meets during April and May each year to review and approve the annual budget. It also meets quarterly thereafter to receive and discuss information regarding the financial affairs of the City. The January 17 meeting will be the second quarter meeting of FY 2005-06. Due to various reasons, a first quarter meeting was not held.

At the January 17 meeting, staff will update the citizen members of the Committee on a variety of issues that will include:

1. Budget Amendments
  - a. Report on actual and planned Budget Amendments in FY 2005-06.
2. Financial Results from the First Half of FY 2005-06.
3. Financial Forecast for the Period FY 2006-07 thru FY 2010-11.
4. Status Report on the Work of the Financial Strategy Task Force.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

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ATTACHMENT LIST

Letter to Budget Committee with a draft agenda.

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FISCAL NOTES

No impact.

December 27, 2005

««AddressBlock»»

««GreetingLine»»

The next meeting of the Tigard Budget Committee is scheduled for Tuesday, January 17, 2006 at 6:30 pm in Town Hall, 13125 SW Hall Blvd. This meeting will occur during a regular Council Workshop session. Enclosed with this letter is an agenda for the Budget Committee portion of this meeting.

We expect the Budget Committee portion of this meeting to last approximately 40 minutes. Items to be covered include;

1. Budget Amendments
  - a. Report on actual and planned Budget Amendments in FY 2005-06.
2. Financial Results from the First Half of FY 2005-06.
3. Financial Forecast for the Period FY 2006-07 thru FY 2010-11.
4. Status Report on the Work of the Financial Strategy Task Force.

Please contact Maureen Denny at 503-718-2487 or [maureen@tigard-gov.org](mailto:maureen@tigard-gov.org) to confirm your attendance at this meeting.

I look forward to seeing you on the 17<sup>th</sup>.

Sincerely,



Tom Imdieke, Interim Finance Director

cc: Craig Prosser, City Manager  
Michelle Wareing, Management Analyst

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Commuter Rail Station Enhancements

PREPARED BY: Phil Nachbar, Snr. Planner DEPT HEAD OK TC CITY MGR OK CR

ISSUE BEFORE THE COUNCIL

Whether to provide additional funds to enhance the Tigard Commuter Rail Station, or to accept TriMet's proposed base station and improvements as provided. Since TriMet is now 75% design complete, timing is critical in order to incorporate design modifications and avoid additional costs. Council will review options for Commuter Rail Station Enhancement, and decide which option to pursue.

STAFF RECOMMENDATION

That Council provide direction as to the type and level of enhancements for the Tigard Station. Direct Staff to obtain design services for conceptual design of specific improvements for further review and approval.

INFORMATION SUMMARY

TriMet had provided Staff with a modified shelter design that, in Staff's view, is less attractive and passenger friendly than their original design. If an improved design for this very visible Downtown location is desired, the City needs to initiate a design modification process.

OTHER ALTERNATIVES CONSIDERED

Council may choose not to pursue enhancement and accept TriMet's base level of improvements for the Tigard Commuter Rail Station.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal (Central Business District): The Downtown will provide a gathering place for the community and honor the sense of a small town village.

Goal (Community Aesthetics): Identify and implement projects and activities that enhance aesthetic qualities valued by those who live and work in Tigard.

Strategy: Balance development and aesthetic needs.

Action: Build aesthetic value in all above-ground capital improvements.

Goal: Alternative modes of transportation are (will be) available and use is (shall be) maximized.

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ATTACHMENT LIST

- Attachment 1: Memo dated December 21, 2005 to Tom Coffee, Community Development Director re: Commuter Rail Station Enhancements
- Attachment 2: Original Shelter
- Attachment 3: Revised Shelter
- Attachment 4: Transit Station Design Elements Working Group Recommendations
- Attachment 5: Tualatin Example Option A (2 graphics)

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FISCAL NOTES

Costs of improvements range from approximately \$100,000 to approximately \$400,000. Without identifying the type of improvements and undertaking some conceptual design, costs are uncertain. \$75,000 was budgeted for FY05-06 for Downtown Improvements and were earmarked for Commuter Rail Station Enhancements. No funds have been expended to date. In addition to the \$75,000, additional funds will be necessary for enhancements to the level desired by Council.



## MEMORANDUM

### CITY OF TIGARD

13125 SW Hall Blvd.  
Tigard, OR 97223  
Phone 503-639-4171  
Fax: 503-684-7297

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TO: Tom Coffee, Interim Community Development Director

FROM: Phil Nachbar, Senior Planner *PN*

DATE: December 21, 2005

SUBJECT: Commuter Rail Station Enhancements

Background: As part of the overall program for Commuter Rail Station improvements, Tri-Mt budgets and provides funding for a set of basic improvements common to all stations which include a rail station platform, a shelter, a park and ride facility and certain landscape improvements. Any improvements beyond the base station must be funded from other than TriMet sources.

Timeframes: TriMet is currently 75% design complete, and anticipates 95% completion by mid-March, with final design documents finished by May. Construction would begin in 2006 and be completed by Spring of 2008. Subsequently, there is a 6-month system test scheduled prior to the start of use by passengers in the Fall of 2008.

Because TriMet is finalizing design for the Rail Stations, it is important that any proposed changes beyond the base station improvements be forwarded to TriMet as soon as possible. While TriMet has indicated their willingness to work with communities that would like to enhance their station design, there is a risk of additional costs to a community for change orders to the construction contract, if received after bidding, anticipated in May 2006. TriMet will need some lead time to incorporate community station design changes into their RFP for construction also in May 2006.

Costs – Tualatin example: The City of Tualatin has chosen to modify and expand their station platform, shelter, select different materials emphasizing brick, and incorporate a clock tower into their station design. The following is a breakdown of their costs of enhancement to the base station.

Additional Station Enhancement Costs: Tualatin Example Jan 24, 2005.

Platform (area expanded)	\$50,000
Shelter	195,000
Clock / Tower	50,000
Design	50,000
Contingency (required)	45,000
	<u>\$390,000*</u>

Maintenance (addt'l annual) \$10,000

\* Cost updated with TriMet Dec 22, '05.

Tigard Enhancements to Base Station / Costs:

The Downtown Taskforce in conjunction with TriMet and City Staff evaluated design elements for the Commuter Rail Station and provided a set of specific recommendations in February of 2003. This document was adopted by resolution of Council on March 25, 2003 to be forwarded to TriMet as guidance in designing Tigard's Rail Station. In addition, a subcommittee of the Downtown Taskforce came up with specific upgrade recommendations and an approximate budget in March of 2005. Total estimated upgrades at that time were approximately \$60,000 but did not address shelter design or size as in the Tualatin example.

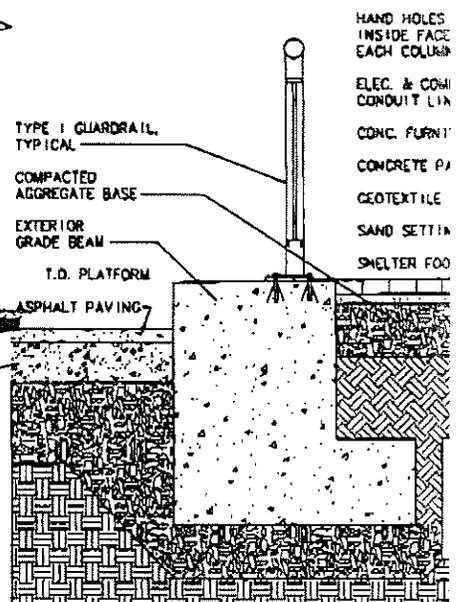
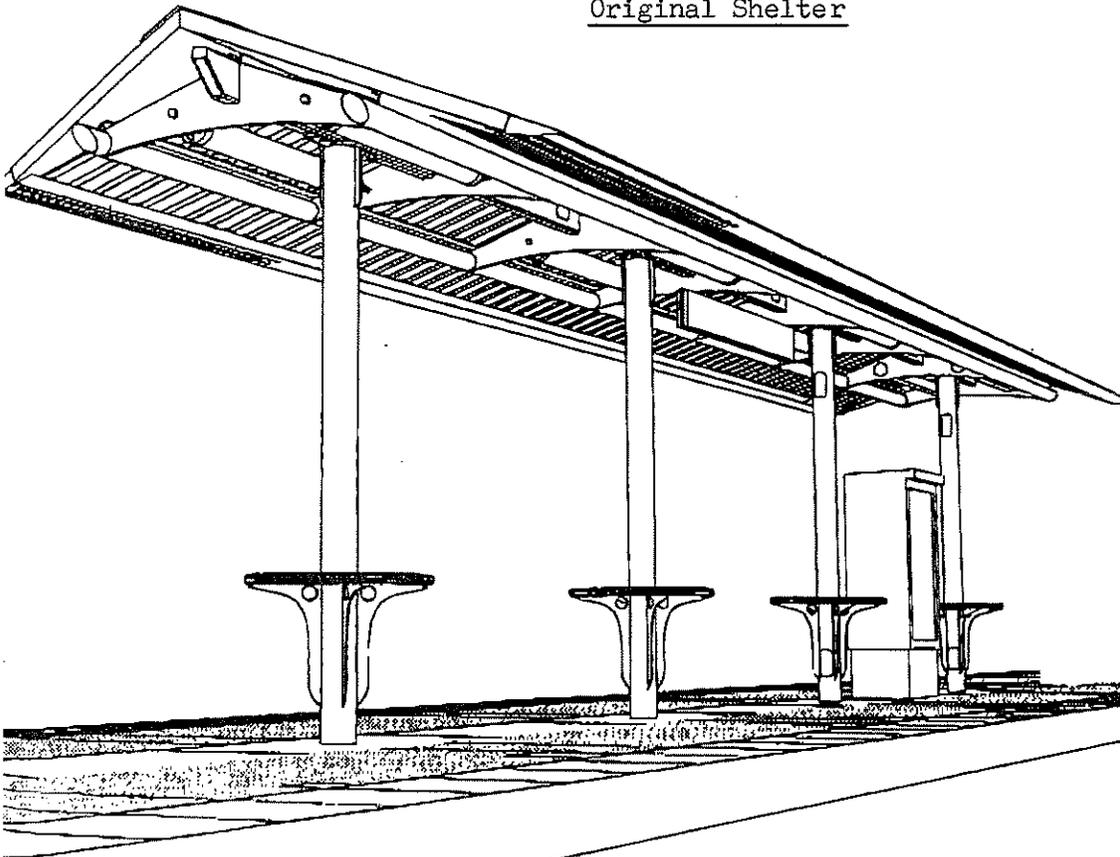
Conclusions: The Tualatin example provides a solid basis for what Tigard could do in terms of scope and type of Commuter Rail Station enhancements. Although the specific design of the Tigard Station will reflect Tigard's unique station configuration and preferences, the cost estimate of an additional \$400,000 is a documented figure for budgeting purposes.

TRIMET HAS PROVIDED THIS DRAWING TO THE DESIGNER AS A BASIS-OF-DESIGN STARTING POINT ONLY. IN FURNISHING THIS DRAWING, TRIMET MAKES NO WARRANTY THAT THE DRAWING IS SUITABLE FOR CONSTRUCTION OF THE PARTICULAR PROJECT IN ISSUE.

TRIMET MAKES NO WARRANTY THAT THIS DRAWING IS SUITABLE FOR CONSTRUCTION. IT IS PROVIDED TO THE DESIGNER AS A BASIS-OF-CONSTRUCTION ONLY.

- RIDGE CAP —
- TUBE STEEL R
- STAINLESS ST
- ROOF DECKING
- PURLIN
- STEEL PIPE E
- SUPPORT, TYP
- 1" PLATE STE
- STATION I.D. 5
- SEE SIGNAGE DI
- SEE SIGNAGE
- ATTACHMENT

Original Shelter



SHELTER PERSPECTIVE



DATE	BY	APPD.	REVISIONS

DESIGNED	DATE
DRAWN	DATE
CHECKED	DATE
APPROVED	DATE


**TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT**



SUBMITTED: \_\_\_\_\_ DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_



Transit Station Design elements working group recommendations - Additional Considerations for local contribution

Draft

Potential "Add"	Estimated cost	Timing and other considerations	Recommended priority
<b>Entry Feature at Main street</b>	Approximately \$21,500 *includes artist design coordination on all art elements	General concept needed before project is scoped	1
<b>Art sculpture on top of proposed shelter</b>	\$16,500-26,500 depending on whether there is a single sculpture or multiple interactive elements *includes artist design coordination on all art elements	Needs to be determined before project is scoped to ensure that design can accommodate size and weight of sculpture	1
<b>Upgrade pavement on platform/ pathway art element</b>	\$9,000 *includes artist design coordination on all art elements	Needs to be decided prior to project scope. May not be needed if artistic elements are colorful and coordinated. Estimated costs could go towards other artistic elements	2
<b>Upgrade poles to accommodate flower baskets</b>	\$250 per pole upgrade x 10 = \$2,500	Needs to be done when station is constructed. May not be needed if artistic elements are colorful and coordinated. Tri-met has concerns about vandalism of baskets. The sub-committee has concerns about maintenance of the baskets.	3
<b>Brackets for flower baskets</b>	\$300 per pole bracket pair x 10 = \$3,000	Can be added after station construction	4
<b>Community display case</b>	\$3,000-15,000 (depending on size, lighting, etc)		5
<b>Change of Roof pitch for shelter</b>	NOT RECOMMENDED – estimated cost - \$32,000 – 70,000	Not recommended because <ul style="list-style-type: none"> <li>• Weather protection –with a steeper pitch, the rain run-off would be more severe and less light would enter.</li> <li>• Style – Photos of historic buildings in the downtown area show that the "traditional" rooflines were not steeply pitched roofs but rather more modest pitched roofs as provided in the existing plans.</li> <li>• Opportunities –with a lower pitched roof, there are opportunities to incorporate more art features that would make the station more of a landmark amenity.</li> </ul>	N/A

Total estimated costs for all recommended additional station elements: \$55,500 – \$77,500  
 Estimated cost for the top 2 recommended priority projects (3 projects): \$47,000-\$57,000

Please note that the estimates for art elements are not based on a specific design and could be reduced or increased depending on funding availability.

# Option A

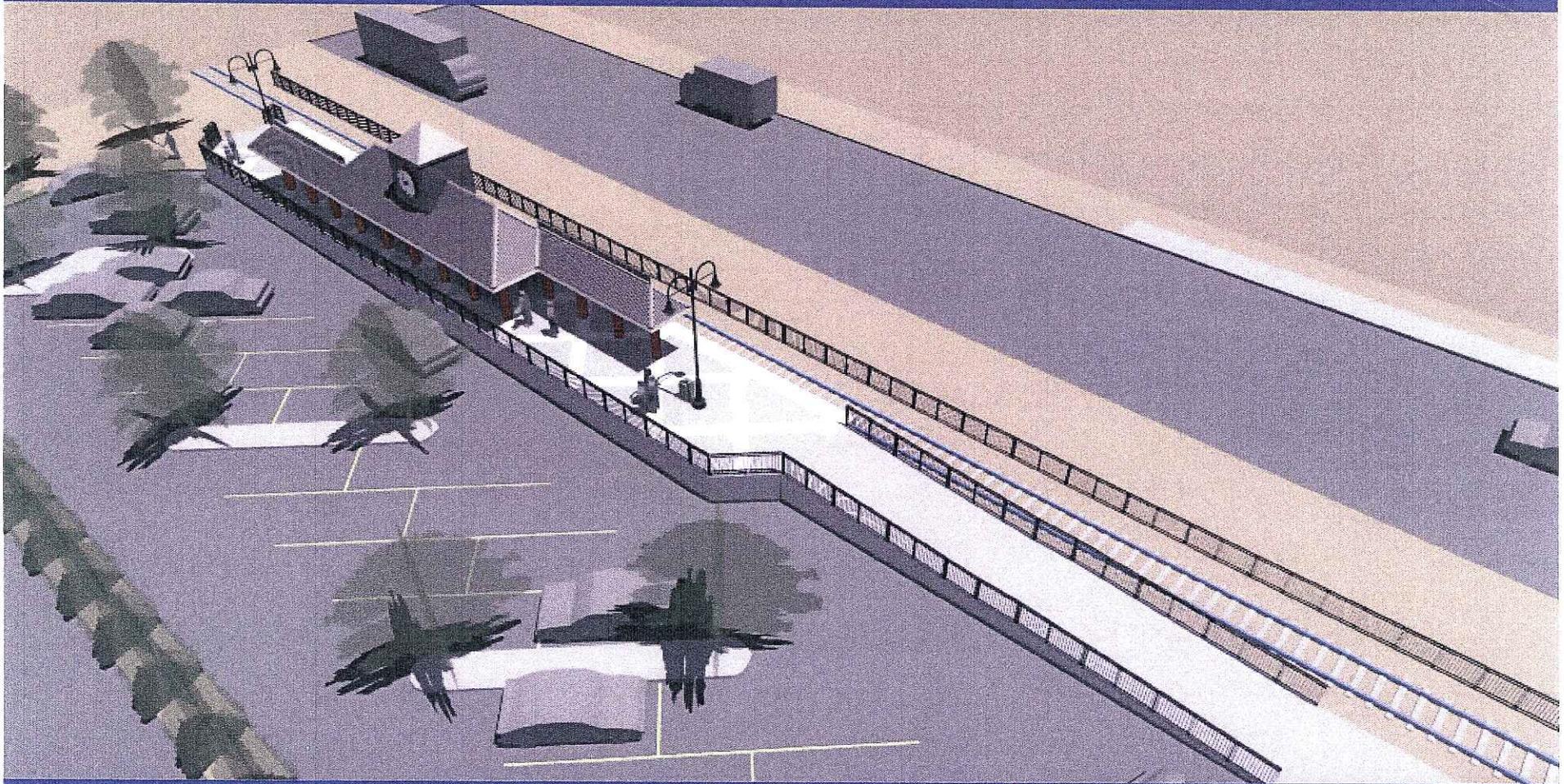


Enhanced Station Design

October 25, 2004

Tualatin Commuter Rail Station

# Option A



Enhanced Station Design

October 25, 2004

Tualatin Commuter Rail Station



CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Annexation Policy Discussion

PREPARED BY: Gary Pagenstecher DEPT HEAD OK TP CITY MGR OK CP

ISSUE BEFORE THE COUNCIL

Review staff memorandum (with attachments) on Annexation Policy and discuss issues.

STAFF RECOMMENDATION

Provide direction to staff on which Annexation Policy to implement or further develop for additional consideration.

INFORMATION SUMMARY

The City does not have an annexation plan to guide the timing and location of annexation of Tigard's Urban Service Area as called for in the City's Urban Service Agreement (11-26-02). The Comprehensive Plan policies provide for, but do not facilitate annexation. Therefore, the City is currently reactive to annexation proposals by developers and landowners. As a result, the City is unable to predictably assume its role as the urban service provider within its Urban Service Area.

The attached memorandum (Attachment 1) provides the legal framework for annexation, a review of existing City policy related to annexations and related intergovernmental agreements; and four policy options for Council consideration.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management Goal #2: "Urban Services are provided to all citizens within Tigard's urban growth boundary and recipients of services pay their share."  
Strategy #2: "Adopt criteria that outlines when and under what circumstances areas on Bull Mountain will annex."

ATTACHMENT LIST

Attachment #1: January 3, 2006 memo to Mayor Dirksen and City Council – City of Tigard Annexation Policy

Appendices to Attachment #1

December 15, 2005, Letter from Legislative Counsel to Representative Jerry Krummel

Chapter 10, Urbanization, City of Tigard Comprehensive Plan  
December 2005, Local Focus (LOC), Island Annexations Lawful Under Equal Protection Clause  
Exhibits: maps showing Annexation History and Prospective Annexation policy options

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FISCAL NOTES

N/A

## MEMORANDUM

### CITY OF TIGARD

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**TO:** Mayor Dirksen and City Council

**FROM:** Tom Coffee, Community Development Director   
Gary Pagenstecher, Associate Planner

**DATE:** January 3, 2006

**SUBJECT:** City Of Tigard Annexation Policy

#### INTRODUCTION

The purpose of this memo is to address the City's limited annexation policy and to propose options for the Council to consider to facilitate implementation of the City's urbanization goal. This paper looks briefly at the legal framework of annexation and summarizes the City's current policies and practices. A discussion of the issues follows with options proposed for how the City might proceed.

As the City urbanizes and expands into its Urban Services Area, annexation is used to incorporate territory into the City to ensure the efficient provision of municipal services and to incorporate urbanizing lands into the City's political and civic life. The City's annexation policy is included within the Urbanization goal of its Comprehensive Plan, which is mandated by State Statute. The Urbanization goal provides a framework within which all development activities are coordinated. The goal attempts to integrate and balance available land resources in terms of the needs expressed by other goals, namely, Housing, Economy, Public Facilities and Services, Natural Features and Open Space, and Transportation.

#### LEGAL FRAMEWORK

##### State Law (ORS 195 and 222)

ORS195 provides for annexation plans for large unincorporated areas which must be approved by a majority of the voters in the areas to be annexed and the city annexing the area. ORS 222 provides for annexations without a vote through consent agreements from those within the area to be annexed when contiguous to a city boundary.

Annexations without a vote, include: a) island annexation when territory is surrounded by the corporate boundaries of the city; consent of the affected property owners is not required; b) consents of all of the owners of land in the territory and not less than 50 percent of the electors; c) consents of owners of the majority of the territory within the area to be annexed and a majority

of electors (double majority); d) consents of more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory, representing more than half of the assessed value (triple majority).

### **2005 Legislative Changes to State Law**

The 2005 Legislature made a number of changes to State Annexation Law in response to property owner concern over the authority of cities to annex territory. Annexation by Annexation Plans now clearly require a majority vote of both residents of the city and the residents within the territory to be annexed. The so called "Nike" bill only applies to specific industrial properties that meet specific criteria (does not affect City of Tigard where the unannexed portions of the city contain only land designated residential). In addition, the legislature took away a city's ability to veto the incorporation of territory within three miles of city boundaries.

### **Written Consents to Annex**

The procedures for annexing without a vote include obtaining: a) written consent to annex by a willing property owner, which is non transferable and valid for one year; or, b) written consent to annex by a willing property owner by contract in exchange for provision of services, which is binding on future property owners and good for a year (unless separate agreement waives the year limitation).

When property owners contiguous to the city boundary apply for annexations, simple consents are sufficient. When property owners apply for development of property within the Urban Services Area, but which is not contiguous to the current city boundary, contracts and waivers are used to ensure annexation at some point in the future when the city boundary becomes contiguous (see attached 12-13-05 Ramis/Crew Annexation Consents Memo). These consents are made to fulfill the intent of the City's urbanization goal. The attached letter from Legislative Counsel to Representative Jerry Krummel, dated December 15, 2005, points out that these written consents are a legitimate form of annexation (paragraph 2, page 3).

## **EXISTING CITY POLICY**

The City's policies on annexation are found in the Comprehensive Plan and are implemented through the Tigard Development Code and ordinances approving several Intergovernmental Agreements. These IGAs are primarily between the City and Washington County, but also include Metro and a number of area service provider districts.

### **Comprehensive Plan**

Chapter 10 of the Comprehensive Plan (attached) includes the findings, policies and implementation strategies that address a variety of topics related to urbanization, including annexation. The annexation policies describe the process which satisfies the need for efficient, orderly and logical urbanization within the geographical limits of Tigard's Urban Service Area (attached map). These policies, summarized below, include 1) the conditions for annexation, 2) extension of services outside the City limits, and 3) annexation of land outside of the urban growth boundary. The Comprehensive Plan was adopted by ordinance and is the law of the City just as other laws of the municipal code.

In Policy 10.1, prior to annexation, the city must demonstrate that there are adequate water, sewer, drainage, streets, police, and fire protection services to serve the territory to be annexed

and that the annexation will not significantly reduce the level of services available to developed and undeveloped land within the city of Tigard. In addition, the City must find that the annexation eliminates an island or will not create an irregular boundary, the police department has commented, the land is located within the Tigard urban planning area and is contiguous to the city boundary, and the annexation can be accommodated by the listed services.

In Policy 10.2, the city shall not approve the extension of city or CWS sewer lines except: a) where applications for annexation for those properties have been submitted to the city; b) where a nonremonstrance agreement to annex those properties has been signed and recorded with Washington County and submitted to the city; or c) where the applicable state or county health agency has declared that there is a potential or imminent health hazard.

In Policy 10.3, the city shall consider annexation requests outside the Tigard urban planning area and within the urban growth boundary consistent with policies 10.1 and 10.2 and amendment of the agreement between the city and the county. The city shall discourage expansion of the Tigard urban planning area in a manner which would result in an irregular planning area and inefficient provision of public facilities and services.

### **Tigard Development Code**

The TDC implements the policies in the Comprehensive Plan, stipulating a Type IV approval process and approval criteria that a) require services and facilities are available to the area with sufficient capacity to provide service for the proposed annexation area, and b) that the applicable comprehensive plan policies and implementing ordinance provisions have been satisfied.

### **Intergovernmental Agreements**

A series of IGAs from the mid-eighties between the City and Washington County have set the management terms for the unincorporated territory within Tigard's UGB regarding provision of urban services and the transfer of service provision upon annexation. The most recent of these agreements, the Urban Planning Area Agreement (7/8/04), identifies the Tigard Urban Service Area (TUSA) and a process for coordinating comprehensive planning and development. Section III.C.1 *Annexations*, states:

The county and city recognize the City as the ultimate service provider of the urban services specified in the Tigard Urban Services Agreement. The County also recognizes the City as the ultimate local governance provider to all the territory in the TUSA, including unincorporated properties. So that all properties within the TUSA will be served by the City, the County and City will be supportive of annexations to the City.

Section III.C.3 states:

. . . Annexations to the City . . . shall not be limited to an annexation plan and the City and County recognize the right of the City and property owners to annex properties using the other provisions provided by the Oregon Revised Statutes.

### Administrative Policy

Currently, the City does not initiate annexations, but processes requests for annexation by developers and property owners pursuant to the provisions in the Tigard Development Code.

However, the City's administrative policy includes sending a letter solicitation to owners in the vicinity of a proposed annexation to join in the annexation. The intent of the solicitation is to create a uniform boundary by including adjacent properties within the proposal to create a more efficient urban services area boundary. The City encourages participation by offering to waive the annexation application fee, which is currently \$2,302. The City also advises that if an owner chooses not to participate, but a majority of the surrounding neighbors do choose to do so, their property may involuntarily be annexed by double or triple majority. Involuntary annexation has rarely, if ever, occurred.

### **ANNEXATION POLICY OPTIONS**

The City does not have an annexation plan to guide the timing and location of annexation of Tigard's Urban Service Area as called for in the City's Urban Service Agreement (11-26-02). The Comprehensive Plan policies provide for, but do not facilitate annexation. Therefore, the City is currently reactive to annexation proposals by developers and landowners. As a result the City is unable to predictably assume its role as the urban service provider within its Urban Service Area.

The following four options lay out a graduated approach to annexation for the Council to consider. The options range from the City annexing all of its Urban Service Area to declaring that it will not annex any more territory beyond specified limits (see attached Prospective Annexation Map). Underlying these options is the legal justification cited above for the City to annex all of its Urban Service Area.

**Aggressive:** Develop a strategic plan to annex all of the City's Urban Service Area including Planning Areas 63 and 64.

Develop a strategic plan that maps out annexation of all of Tigard's Urban Service Area. As now, rely on consents to annex and waivers of remonstrance for proposed developments. However, be aggressive with the invitations to participate by drawing the rational boundary to include parcels necessary to achieve the annexation goal. If necessary, use cherry stem annexations along key roads to include non contiguous properties. Use involuntary annexation, as allowed, for all parcels that do not participate on invitation. Annex all seven unincorporated islands within the City boundary comprised of 74 lots and totaling 42.4 acres (see attached December 2005 Issue of League of Oregon Cities *Local Focus*, pages 27/28).

**Proactive:** Actively seek property owners who wish to annex.

As now, rely on consents to annex and waivers of remonstrance for proposed developments. However, be proactive with the invitations to participate by drawing the rational service boundary to include a larger territory. Use involuntary annexation, as allowed, for all parcels that do not participate on invitation. Annex all islands.

**Reactive:** Respond to property owner or elector interest.

As now, rely on consents to annex and waivers of remonstrance for proposed developments. Continue invitations to participate and include those consenting to annexation. To the extent annexation occurs, urban services would be provided to those seeking them. Only approximately 212 acres have been added since 2000 using the current policy.

**Inactive:** No further annexation of Tigard's Urban Service Area.

The area would continue to be served by existing service provider districts. The City would concede the Urban Service Area to other interests and revoke its urban service agreements with the County. The City could focus on developing a sustainable community with an enhanced quality of life within its current boundaries.

## **APPENDICIES**

December 15, 2005, Letter from Legislative Counsel to Representative Jerry Krummel

Chapter 10, Urbanization, City of Tigard Comprehensive Plan

December 2005, Local Focus (LOC), Island Annexations Lawful Under Equal Protection Clause

Exhibits: maps showing Annexation History and Prospective Annexation policy options



STATE OF OREGON  
LEGISLATIVE COUNSEL COMMITTEE

December 15, 2005

Representative Jerry Krummel  
7544 SW Roanoke Drive N  
Wilsonville OR 97070

Re: Annexation

Dear Representative Krummel:

You asked two questions relating to landowner consent to annexation. You and your constituents provided several documents for our review of a specific situation relating to the City of Tigard and an unincorporated area known as Bull Mountain.

First, you asked whether a local government may require a landowner to consent to annexation as a condition for the delivery of an urban service.

Generally, the answer is yes. Annexation is one of the planning tools addressed in ORS chapter 195, which requires local governments to enter into cooperative agreements for land use planning and urban service agreements for the delivery of urban services. However, in this specific instance, the documents show electors rejected an annexation plan that, if approved, would have authorized annexation of Bull Mountain by the City of Tigard based on the delivery of urban services to the area.

Second, you asked whether a local government may require a landowner to consent to annexation as a condition for the issuance of a building permit.

Generally, the answer is again yes. Approval of a building permit requires compliance with local ordinances that are consistent with the state building code and authorized by the Director of the Department of Consumer and Business Services. However, the requirement for annexation is a local legislative policy and must be contained in a local ordinance to be enforceable. Annexation may not be a condition of approval for a building permit if a local policy favoring annexation has not been formally adopted as an ordinance.

Urban Service Agreements

ORS chapter 195 provides generally for coordination of comprehensive planning and urban service delivery among local governments. ORS 195.065 defines "urban services" as sanitary sewers, water, fire protection, parks, open space, recreation, and streets, roads and mass transit. Counties<sup>1</sup> are directed to coordinate the process of establishing cooperative agreements between the county, cities and special districts that provide an urban service.<sup>2</sup>

<sup>1</sup> Metro is assigned coordinative functions otherwise assigned to counties for the area within the metropolitan service district.

<sup>2</sup> ORS 195.020.

Pursuant to the cooperative agreement, local governments that provide an urban service are directed to establish urban service agreements.<sup>3</sup>

Local governments must establish in their cooperative agreement "the role and responsibilities of each party to the agreement with respect to city or county approval of new development."<sup>4</sup> Pursuant to an urban service agreement, a city or a special district that provides an urban service may develop an annexation plan that provides for the timing and sequence of future annexations of territory, the standard of service delivery required as a precondition of annexation and the planned schedule for providing urban services as described in the annexation plan.<sup>5</sup> An annexation plan must be submitted to electors for approval.<sup>6</sup> Once an annexation plan is approved by the electors, subsequent urban services annexations take effect according to the plan.<sup>7</sup> Urban service annexations pursuant to an annexation plan under ORS 195.205 to 195.225 are in addition to other methods of annexation.<sup>8</sup>

In this instance, your question relates specifically to the City of Tigard and efforts to annex territory within the unincorporated area known as Bull Mountain. Your constituents provided this office with a copy of the Tigard Urban Service Agreement, dated November 26, 2002, and the results of a measure on the ballot in November 2004 to approve an annexation plan relating to the area. Urban service annexation pursuant to an annexation plan adopted as part of an urban service agreement and approved by electors is a part of the public policy enacted in ORS chapter 195. However, because electors rejected the annexation plan for the Bull Mountain area in November 2004, the City of Tigard may not rely on provision of urban services consistent with the unapproved annexation plan as a legal basis for annexation.

#### Annexation as a Condition of Issuance of a Building Permit

ORS chapter 455 establishes authority for the Director of the Department of Consumer and Business Services to establish building codes and other related specialty codes by administrative rule.<sup>9</sup> The state building code preempts local ordinances, rules or regulations that relate to the same matters encompassed in the state building code unless the different local requirements are authorized by the director of the department.<sup>10</sup> The director of the department may authorize a local government to administer a building inspection program.<sup>11</sup> After approval by the director of a set of plans and specifications for the construction of a building, an applicant:

... shall submit the plans and specifications to a local building official prior to application for a building permit.

The local building official shall review the plan for those features required by local ordinance or by any site-specific, geographic, geologic or climatic code requirements. A local building official shall issue a building permit upon application and presentation to the local building official of such a set of plans and specifications

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<sup>3</sup> ORS 195.065.

<sup>4</sup> ORS 195.020 (4)(c).

<sup>5</sup> ORS 195.220.

<sup>6</sup> ORS 195.205.

<sup>7</sup> ORS 195.215.

<sup>8</sup> ORS 195.235.

<sup>9</sup> ORS 455.020.

<sup>10</sup> ORS 455.040.

<sup>11</sup> ORS 455.148.

bearing the approval of the director if the requirements of all other local ordinances are satisfied.<sup>12</sup>

The question you asked is phrased broadly as whether a city may require consent to annexation as a condition of approval for a building permit when other applicable laws and ordinances have been satisfied. In reviewing the documentation flowing between your office and your constituents, it seems that the question is more precisely whether a city can require annexation as a condition of approval for a building permit when annexation is a policy of the city that has not been formally adopted as an ordinance.<sup>13</sup> We believe ORS 455.685 answers that question on its face. A local building official may enforce "local ordinances."

We also note that ORS 222.115 expressly authorizes a city to require a landowner to consent to eventual annexation in exchange for providing extraterritorial services to property.<sup>14</sup> However, in this instance as well, the city must formally adopt a requirement for consent to annexation as a condition of service delivery as an ordinance to enforce that policy. An ordinance prescribes a permanent rule of conduct or government, while a resolution is of a special and temporary character.<sup>15</sup> A local government's legislative acts, in order to have continuing force and effect, must be embodied in an ordinance, while mere ministerial acts may be in the form of a resolution.

The opinions written by the Legislative Counsel and the staff of the Legislative Counsel's office are prepared solely for the purpose of assisting members of the Legislative Assembly in the development and consideration of legislative matters. In performing their duties, the Legislative Counsel and the members of the staff of the Legislative Counsel's office have no authority to provide legal advice to any other person, group or entity. For this reason, this opinion should not be considered or used as legal advice by any person other than legislators in the conduct of legislative business. Public bodies and their officers and employees should seek and rely upon the advice and opinion of the Attorney General, district attorney, county counsel, city attorney or other retained counsel. Constituents and other private persons and entities should seek and rely upon the advice and opinion of private counsel.

Very truly yours,

DAVID HEYNDERICKX  
Acting Legislative Counsel

By  
B. Harrison Conley  
Deputy Legislative Counsel

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<sup>12</sup> ORS 455.685.

<sup>13</sup> It is noteworthy that we are talking about City of Tigard officials performing building inspections in unincorporated portions of Washington County. The city performs building inspections on behalf of the county under an intergovernmental agreement. For that reason, the city is obligated to perform inspections based on county ordinances, not city ordinances.

<sup>14</sup> Your constituents expressed some doubt as to whether any of the urban services are, in fact, provided by the City of Tigard. We did not consider that issue because of our conclusion that policies must be adopted using appropriate local legislative process.

<sup>15</sup> *Thornton v. Portland Railway, Light and Power Company*, 63 Or. 478, 484; 128 P. 850, 852 (1912).

## 10. URBANIZATION

This chapter addresses the concerns expressed by Statewide Planning Goal # 14:

Urbanization, which is "to provide for an orderly and efficient transition from rural to urban land use."

The Urbanization goal is important because it develops a framework within which all development activities have to be coordinated, and it integrates and balances all of the other available land resources in terms of the needs expressed by other goals; namely Housing, Economy, Public Facilities and Services, Natural Features and Open Space, and Transportation.

The urbanization goal also requires an allocation of land for accommodation of urban expansion during the planning period (1980 - 2000), and development of plans to arrange the orderly and efficient transition from urbanizable land to urban land.

The findings, policies and implementation strategies address a variety of topics related to urbanization. Policies describe the process which satisfies the need for efficient, orderly and logical urbanization within the geographical limits of Tigard's Urban Planning Area.

Additional information on this topic is available in the "Comprehensive Plan Report: Urbanization."

### Findings

- The City of Tigard grew from 5,302 people in 1970 to 14,286 people in 1980 (Census 1970 & 1980) and the City predicts that Tigard will continue to grow to more than double its current size by the year 2000. The current 1983 population is 18,379. A portion of this increase is due to annexations.
- The City limits have expanded by approximately 4.4 square miles since 1970, to its present size of approximately 8.6 square miles.
- All lands within the Tigard Urban Planning Area as well as the City Limits have been designated for urban land uses, and are wholly within the Portland Metropolitan Area Urban Growth Boundary.
- The Tigard Comprehensive Plan is an active plan, meaning the City plans and designates land uses within the Tigard Urban Planning Area (T.U.P.A.). Washington County retains legal jurisdiction over development proposals, zoning and public improvement projects outside the City limits but within the T.U.P.A. Tigard does have right of review and comment on proposals and projects within the T.U.P.A.
- The area within the Tigard Urban Planning Area, but outside the current City Limits, that is not already developed to urban intensities will be made available for urban uses via an Urban Planning Area Agreement between the City of Tigard and Washington County, annexation to the City and subsequent development proposals by the property owners.
- The City is committed to providing urban level services, or the coordination of providing these services with the appropriate service districts, to all areas within the city limits boundaries.
- The intent of the City is to provide for an orderly and efficient land use pattern and urban services which must be available at the time of development.
- The timing, location and expansion of [the] transportation systems are important factors affecting future urbanization.
- The desired development and growth pattern for the Tigard Urban Planning Area is to be defined by a growth management system, e.g., extension of services, streets and land use which will guide the timing, type and location of growth.
- To assist in the financing of street facilities and improvements, Tigard has imposed a Systems Development Charge (SDC) on new housing development.
- Major trunk line sewer service in the Tigard Urban Planning Area is provided by the Unified Sewerage Agency (USA) of Washington County which has assumed this responsibility for the City's as well as that of eastern Washington County; major sewage system since 1970.

- Water in the Tigard area is provided by the Metzger and Tigard Water Districts. These districts purchase their water from Portland, Lake Oswego and other sources.
- An Urban Planning Area Agreement (UPAA) between Tigard and Washington County regarding land use planning and annexation was adopted in 1983. The intent of this agreement is to:
  - a. Identify the urbanizable land within each jurisdiction surrounding Tigard;
  - b. Provide for orderly and efficient transition from urbanizable land to urban land;
  - c. Provide a process for reviewing the land use designations between the City and County;
  - d. Provide for a process to extend existing services; and
  - e. Provide a process for annexations of land to the City.
- The agreement requires that the parties resolve various issues, otherwise the agreement will lapse on January 1, 1984 (or a later date if the parties extend the agreement) and the 1980 agreement between the parties is revived.
- The City does not have an UPAA with the school districts (Tigard and Beaverton), but the districts do work with the City's Planning and Development Department to estimate the enrollment impact of new residential development in the City.
- The City has made a significant effort in the past to manage the location and type of growth, and to coordinate this growth with the extension of services and expansion of facilities.
- The City is currently in the process of including all of the "unincorporated islands" within the city limits.

## 10.1 ANNEXATION OF LAND

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### POLICIES

#### 10.1.1 PRIOR TO THE ANNEXATION OF LAND TO THE CITY OF TIGARD:

- a. THE CITY SHALL REVIEW EACH OF THE FOLLOWING SERVICES AS TO ADEQUATE CAPACITY, OR SUCH SERVICES TO BE MADE AVAILABLE, TO SERVE THE PARCEL IF DEVELOPED TO THE MOST INTENSE USE ALLOWED\*, AND WILL NOT SIGNIFICANTLY REDUCE THE LEVEL OF SERVICES AVAILABLE TO DEVELOPED AND UNDEVELOPED LAND WITHIN THE CITY OF TIGARD. THE SERVICES ARE:
  1. WATER;
  2. SEWER;
  3. DRAINAGE;
  4. STREETS;
  5. POLICE; AND
  6. FIRE PROTECTION.

\* Most intense use allowed by the conditions of approval, the zone or the Comprehensive Plan.

- b. IF REQUIRED BY AN ADOPTED CAPITAL IMPROVEMENTS PROGRAM ORDINANCE, THE APPLICANT SHALL SIGN AND RECORD WITH WASHINGTON COUNTY A NONREMONSTRANCE AGREEMENT REGARDING THE FOLLOWING:
  1. THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT (L.I.D.) FOR ANY OF THE FOLLOWING SERVICES THAT COULD BE PROVIDED THROUGH SUCH A DISTRICT. THE EXTENSION OR IMPROVEMENT OF THE FOLLOWING:
    - a) WATER;

- b) SEWER;
- c) DRAINAGE; AND
- d) STREETS.

2. THE FORMATION OF A SPECIAL DISTRICT FOR ANY OF THE ABOVE SERVICES OR THE INCLUSION OF THE PROPERTY INTO A SPECIAL SERVICE DISTRICT FOR ANY OF THE ABOVE SERVICES.

c. THE CITY SHALL PROVIDE URBAN SERVICES TO AREAS WITHIN THE TIGARD URBAN PLANNING AREA OR WITH THE URBAN GROWTH BOUNDARY UPON ANNEXATION.

10.1.2 APPROVAL OF PROPOSED ANNEXATIONS OF LAND BY THE CITY SHALL BE BASED ON FINDINGS WITH RESPECT TO THE FOLLOWING:

- a. THE ANNEXATION ELIMINATES AN EXISTING "POCKET" OR "ISLAND" OF UNINCORPORATED TERRITORY; OR
- b. THE ANNEXATION WILL NOT CREATE AN IRREGULAR BOUNDARY THAT MAKES IT DIFFICULT FOR THE POLICE IN AN EMERGENCY SITUATION TO DETERMINE WHETHER THE PARCEL IS WITHIN OR OUTSIDE THE CITY;
- c. THE POLICE DEPARTMENT HAS COMMENTED UPON THE ANNEXATION;
- d. THE LAND IS LOCATED WITHIN THE TIGARD URBAN PLANNING AREA AND IS CONTIGUOUS TO THE CITY BOUNDARY;
- e. THE ANNEXATION CAN BE ACCOMMODATED BY THE SERVICES LISTED IN 10.1.1(a).

10.1.3 UPON ANNEXATION OF LAND INTO THE CITY WHICH CARRIES A WASHINGTON COUNTY ZONING DESIGNATION, THE CITY OF TIGARD SHALL ASSIGN THE CITY OF TIGARD ZONING DISTRICT DESIGNATION WHICH MOST CLOSELY CONFORMS TO THE COUNTY ZONING DESIGNATION.

(Rev. Ord. 84-21)

## 10.2 EXTENSION OF SERVICES OUTSIDE THE CITY LIMITS

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### POLICIES

- 10.2.1 THE CITY SHALL NOT APPROVE THE EXTENSION OF CITY OR UNIFIED SEWERAGE AGENCY (USA) LINES EXCEPT:
- a. WHERE APPLICATIONS FOR ANNEXATION FOR THOSE PROPERTIES HAVE BEEN SUBMITTED TO THE CITY; OR
  - b. WHERE A NONREMONSTRANCE AGREEMENT TO ANNEX THOSE PROPERTIES HAS BEEN SIGNED AND RECORDED WITH WASHINGTON COUNTY AND SUBMITTED TO THE CITY; OR
  - c. WHERE THE APPLICABLE STATE OR COUNTY HEALTH AGENCY HAS DECLARED THAT THERE IS A POTENTIAL OR IMMINENT HEALTH HAZARD.
- 10.2.2 IN ADDITION TO THE REQUIREMENTS OF POLICY 10.2.1, THE EXTENSION OF SEWER LINES OUTSIDE OF THE CITY LIMITS SHALL NOT REDUCE THE CAPACITY BELOW THE REQUIRED LEVEL FOR AREAS WITHIN THE CITY.

10.2.3

AS A PRECONDITION TO THE APPROVAL OF THE EXTENSION OF SERVICES OUTSIDE THE CITY LIMITS, THE CITY SHALL HAVE THE RIGHT OF REVIEW FOR ALL DEVELOPMENT PROPOSALS OUTSIDE THE TIGARD CITY LIMITS BUT WITHIN THE TIGARD URBAN PLANNING AREA (REFERENCE TIGARD'S URBAN PLANNING AREA AGREEMENTS WITH WASHINGTON COUNTY). THE CITY SHALL REQUIRE THAT DEVELOPMENT WILL NOT:

- a. PRECLUDE THE FURTHER DEVELOPMENT OF THE PROPERTIES TO URBAN DENSITIES AND STANDARDS; OR
- b. PRECLUDE THE SUBSEQUENT DEVELOPMENT OF SURROUNDING PROPERTIES.

THIS REVIEW SHALL INCLUDE THE FOLLOWING FACTORS AS SET FORTH IN THE TIGARD COMPREHENSIVE PLAN AND APPROPRIATE IMPLEMENTATING ORDINANCES:

- a. LAND USE;
- b. DENSITY;
- c. PLACEMENT OF STRUCTURES ON THE SITE;
- d. STREET ALIGNMENT; AND
- e. DRAINAGE.

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#### IMPLEMENTATION STRATEGIES

1. The City shall encourage all of the urbanizable land within Tigard's Urban Planning Area to be within the City Limits.
2. The City shall direct its annexation policies to conform with and support the City's Comprehensive Plan.
3. The City shall phase annexations to allow for the incorporation of urbanizable land in a manner that is consistent with the Comprehensive Plan, and the Urban Planning Area Agreement, and to provide for orderly transition of urban services.
4. The City shall work toward establishing a workable, jointly approved growth management agreement with the Washington County. The agreement shall assure that:
  - a. Urban development inside Tigard Urban Planning Area (T.U.P.A.) will be encouraged to annex to the City of Tigard.
  - b. Significant differences between City/County Comprehensive Plan policies are reconciled for the unincorporated areas within the Urban Planning Area (T.U.P.A.).
5. Land use designations, if not already designated, shall be assigned to purposed annexation areas only after a thorough study addressing statewide Planning Goals, and City and neighborhood needs have been completed and adopted by the City.
6. The City shall accept, encourage, and assist in the preparation of annexation proposals of all levels within its Urban Planning Area (UPA).
7. The City shall actively seek to include all "unincorporated island" areas into the city.
8. The City shall provide a capital improvement plan (CIP) that will promote the development of services and facilities in those areas which are most productive in the ability to provide needed housing, jobs and commercial service opportunities in conformance with the policies of the Comprehensive Plan. The CIP shall emphasize the provision of needed services in established districts and those areas passed over by urban development.
9. The City shall cooperate with Washington County and all special districts share in the exchange of information on planning actions which have interjurisdictional impacts. Ample opportunity for review and comment shall be given prior to final action by a city, county or special district policy making body on a matter of mutual concern.

10. The City and County will negotiate the existing Urban Planning Area agreement which responds to the needs of both the City and County.

### 10.3 ANNEXATION OF LAND OUTSIDE THE URBAN GROWTH BOUNDARY

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#### POLICIES

- 10.3.1 THE CITY SHALL CONSIDER ANNEXATION REQUESTS OUTSIDE THE TIGARD URBAN PLANNING AREA AND WITHIN THE URBAN GROWTH BOUNDARY CONSISTENT WITH POLICIES 10.1 AND 10.2 AND AMENDMENT OF THE AGREEMENT BETWEEN THE CITY AND THE COUNTY.
- 10.3.2 THE CITY SHALL DISCOURAGE EXPANSION OF THE TIGARD URBAN PLANNING AREA IN A MANNER WHICH WOULD RESULT IN AN IRREGULAR PLANNING AREA AND INEFFICIENT PROVISION OF PUBLIC FACILITIES AND SERVICES.



# Legal Briefs

## Island Annexations Lawful under Equal Protection Clause

Petitioners appealed a LUBA order affirming Beaverton's decision to conduct an "island" annexation under ORS 222.750. The Court of Appeals rejected all of Petitioners' assignments of error without discussion except one, addressing only Petitioners' argument that ORS 222.750 violates the Equal Protection Clause of the Fourteenth Amendment to the Federal Constitution.

In this case, Beaverton had initiated proceedings to annex "islanded" territory in November, 2004. ORS 222.750 authorizes a city to annex such islanded areas without the consent of residents or property owners within the area. Accordingly, after providing notice and conducting hearings, the City annexed the subject territory without holding an election. Petitioners appealed the annexation decision to LUBA. LUBA affirmed the City's decision, and Petitioners appealed to the Court of Appeals.

The Fourteenth Amendment states the following, in part:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the

United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

On appeal to the Court of Appeals, Petitioners argued that ORS 222.750 unconstitutionally denied residents and property owners in "islanded" territories of the fundamental right to vote on annexations, and that fundamental right cannot be infringed upon in the absence of a "compelling interest." The Court of Appeals disagreed.

Under Equal Protection caselaw, government enactments that differentiate based on a "suspect" classification or a classification that infringes upon a fundamental right is subject to a higher level of judicial scrutiny. However, as the Court explained, government enactments that do not differentiate based on a suspect class/classification that infringes upon a fundamental right is subject to what is called "rational-basis" review. Under that standard, a statute need not address a "compelling" interest but rather is to be upheld as long as it is tied to a "legitimate governmental purpose."

The Court ruled that rational-basis analysis applied, and accordingly rejected Petitioners' argument. "Petitioners' argument stumbles from the outset, however, because there is no fundamental right to vote on municipal annexations." Citing *Mid-County Future Alternatives v. City of Portland*, 310 Or. 152, 166, 795 P.2d 541 (1990), the Court found that there is no federal constitutional right to vote on municipal elections. Accordingly, the Court of Appeals held that the

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## Legal Briefs

continued from page 27

ORS 222.750's allowance of island annexations without a vote did not implicate a fundamental right for purposes of the Equal Protection Clause.

The Petitioners also argued that, even if the Court disagreed that there is an absolute fundamental right to vote on annexations, once the state granted that right to some property owners the right could not be denied to other property owners. Citing ORS 222.111(5), the Petitioners asserted that since that statute required a vote in some circumstances they were entitled to a right to vote on the subject annexation. This argument was rejected by the Court of Appeals as well.

The Court noted that it had previously rejected a similar argument in *Sherwood School Dist. 88J v. Washington Cty. Ed.*, 167 Or. App. 372, 6 P3d 518, rev. den., 331 Or. 361, 19 P3d 354 (2000). That case involved the right to vote on local school boundary changes. The plaintiffs in that case had conceded that they did not have a fundamental constitutional right to vote on local school boundary changes, but claimed that once the state permits anyone to vote on school district boundary changes, it could not deny the right to anyone else without a "compelling" justification.

The Court found that, in *Sherwood*, it had read the applicable caselaw to hold simply that once it is determined that

an election will be held, the decision as to who may vote in that election is subject to a higher level of judicial scrutiny. However the Court noted that it drew a distinction between deciding who may vote in an election and deciding whether an election would be held in the first place.

The Court also analyzed *Hussey v. City of Portland*, 64 F.3d 1260 (9th Cir. 1995). The plaintiffs in that case challenged the constitutionality of a City of Portland ordinance that offered a subsidy to residents who signed irrevocable consents to annexation. The Court of Appeals distinguished that case by explaining that "the Ninth Circuit agreed with the city's position that there is no constitutional right to vote on annexation" and found the holding of the case limited to the idea that once citizens are granted the right to vote on a matter, the exercise of that vote becomes protected by the Constitution even though the government body was not required to allow any vote at all.

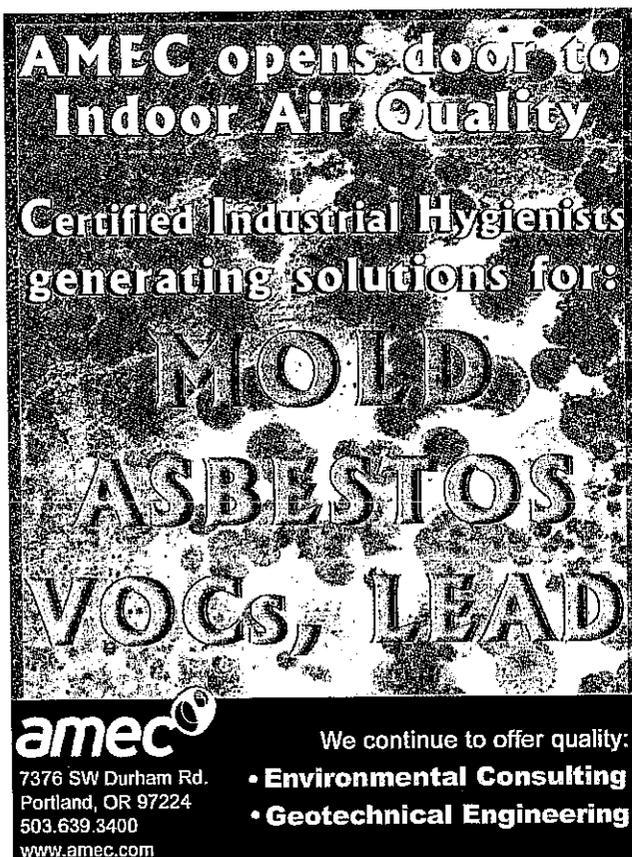
Returning to the *Sherwood* decision, the Court of Appeals quoted from it extensively. "As we have noted, the legislature possesses the constitutional right to determine local school boundaries with or without an election. . . . Simply because the legislature determines to grant the people the power to vote on the issue does not mean that the legislature cannot change its mind and exercise its constitutional authority to decide the matter for itself."

The Court went on to explain that ORS 222.750 involves a determination of whether in a particular circumstance an election will be held. It further explained that the state legislature had exercised its constitutional authority to determine that, in a particular geographic area (where unincorporated territory is surrounded by a city), annexation of that territory may proceed without an election. Therefore, the Court found that the statute treats everyone who falls within the scope of the statute identically.

Therefore, because the Court found that ORS 222.750 did not involve a classification that infringes upon a fundamental right or is otherwise "suspect," it accordingly ruled that it was subject only to "rational-basis" review, meaning that it must only be rationally related to a legitimate governmental interest.

The Court found that there were a number of rational and legitimate reasons for disparate treatment of islanded territories, and agreed with LUBA that there were rational reasons for treating island territories differently than non-island territories. Accordingly, the Court of Appeals concluded ORS 222.750 did not violate the Equal Protection Clause of the Fourteenth Amendment.

*Kane v. City of Beaverton*, 202 Or. App. 431, 122 P3d 137 (2005).



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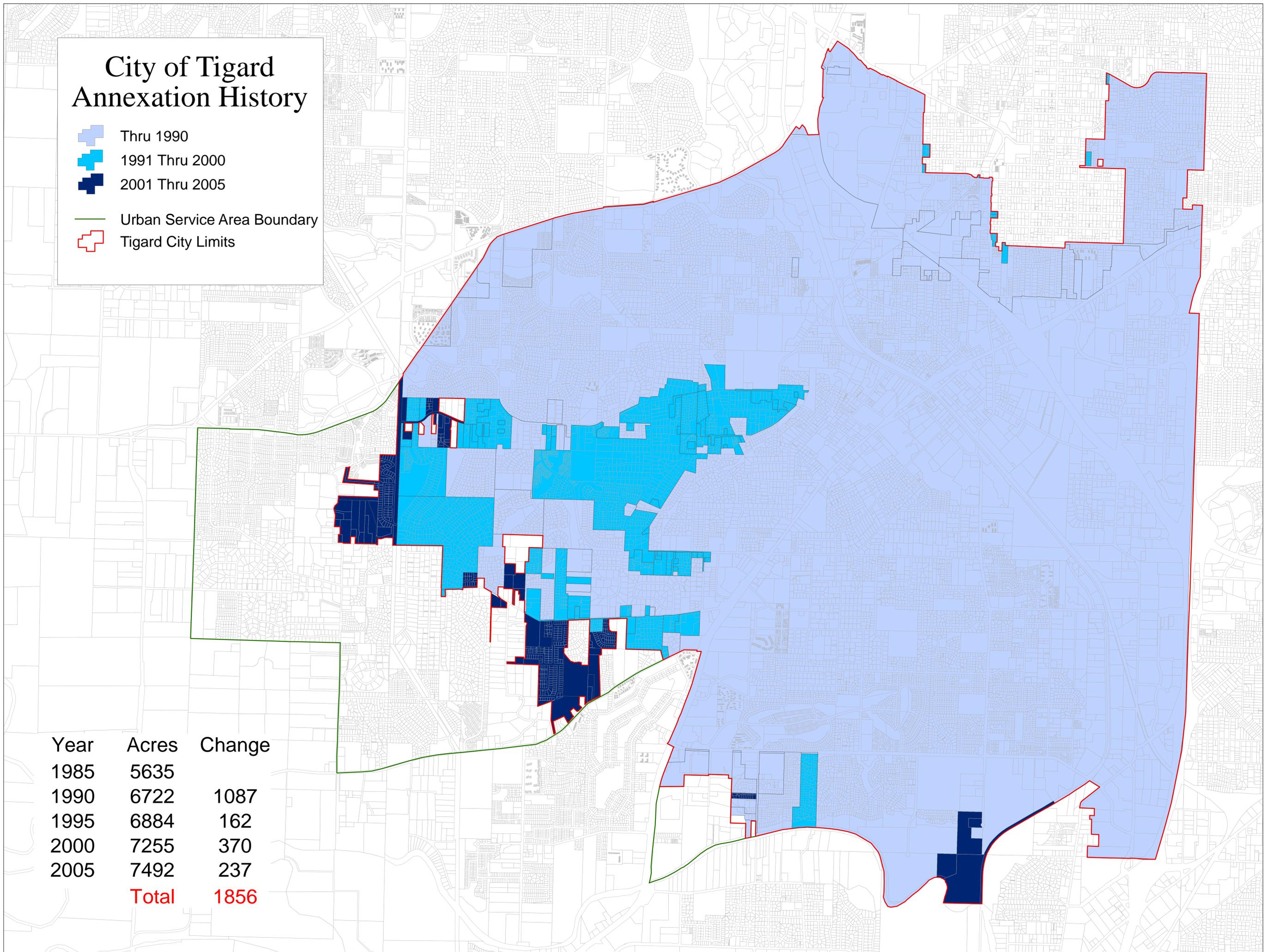
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*Legal Briefs* brought to you by the Oregon City Attorneys Association (OCAA), submitted by Pam Beery (OCAA Coordinator) and Spencer Parsons

# City of Tigard Annexation History

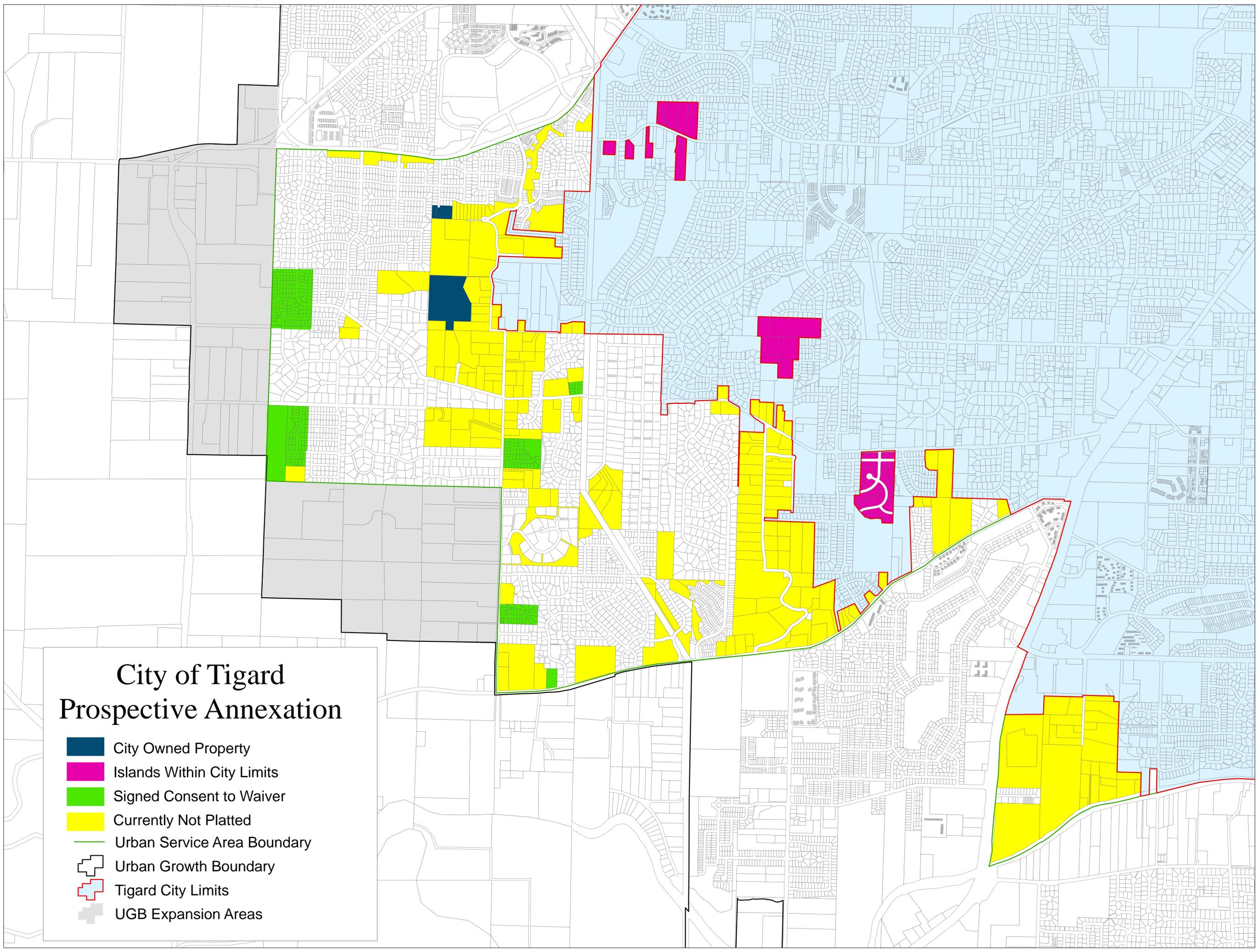
-  Thru 1990
-  1991 Thru 2000
-  2001 Thru 2005
-  Urban Service Area Boundary
-  Tigard City Limits

Year	Acres	Change
1985	5635	
1990	6722	1087
1995	6884	162
2000	7255	370
2005	7492	237
<b>Total</b>		<b>1856</b>



# City of Tigard Prospective Annexation

-  City Owned Property
-  Islands Within City Limits
-  Signed Consent to Waiver
-  Currently Not Platted
-  Urban Service Area Boundary
-  Urban Growth Boundary
-  Tigard City Limits
-  UGB Expansion Areas



Agenda Item No.:

5

Meeting of:

January 10, 2006

There are no materials at this time for the

## MAYOR AND COUNCIL BUDGET DISCUSSION

Packet Materials will be provided to the City Council in  
the January 13, 2006 mail packet.

For more information, contact the City Recorder's Office at  
503-639-4171.